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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/726,291 | 12/02/2003 | Marjorie Skouras | SkourasUI | 5228 |
| 7590 | 09/29/2005 | | EXAMINER | |
| Mimi Chiang 1288 Calle de Sevilla Pacific Palisades, CA 90272 | | | LEE, GUIYOUNG | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2875 | |

DATE MAILED: 09/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/726,291

Applicant(s)

SKOURAS ET AL.

Examiner

Guiyoung Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 15-40 and 42-50 is/are rejected.
- 7) ☒ Claim(s) 14 and 41 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 0304.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Claim Objections

1. Claim 14 is objected to because of the following informalities: There is insufficient antecedent basis for the limitation "its periphery" in the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-13, 15-22, 26, 28-40, 42-47, and 49-50 are rejected under 35 U.S.C. 102(e) as being anticipated by Thevenot (US 6,736,530 B2).

Re claims 1-13, 15-22, 26, 28-40, 42-47, and 49-50: Thevenot discloses a lamp shade, a method for forming the lamp shade, and a method of displaying the lamp shade comprising an outer structure (142 in Fig. 3) having a generally continuous inner peripheral surface; an inner structure (140 in Fig. 3) disposed within the outer structure, the inner structure (140) having an outer peripheral surface configured to cooperate with the inner peripheral surface of the outer structure (142) to define an externally accessible volume therebetween, and further having an inner peripheral surface for surrounding a light source (112); and a base (120) for coupling the light source thereto and for coupling to at least one of the structures. Thevenot further discloses

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planar vertical surfaces being joined each other, and the inner structure provides open bottom, open tops, and an opening for receiving sheets of printed matter. Thevenot also teaches the base is mounted to a stand (102) and the base is configured to allow airflow through the inside of the inner structure and the base is formed as a planar surface corresponding to the bottom of the outer structure (See the base 120 in Fig. 4). Thevenot teaches a transparent polyester as a material for the lampshade (col. 5, lines 30+).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 23- 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thevenot (US 6,736,530 B2) in view of G. Buzick et al. (US 2,177,204) and M. R. Lewis (US 2,680,317) cited by applicant.

Re claims 23-25: Thevenot does not disclose a cylindrical outer structure, a frusto-conical outer structure, or an outer structure having planar angled surfaces. However, Trevenot suggested that the lampshade having any number of geometries or configurations may be used (col. 4, lines 30-33). Further, Buzick and Lewis discloses the lampshade having a cylindrical outer structure, a frusto-conical outer structure and a planar angled outer structure. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Thevenot's lamp shade

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to have a cylindrical outer structure, a frusto-conical outer structure or a planar angled outer structure because of the Thevenot's suggestion above.

6. Claims 27 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thevenot as applied to claims 1 and 28 above, and further in view of F. E. Henke (US 589,173).

7. With regard to claims 27 and 28, Thevenot does not teach the light source is a candle. However, Henke disclose a lampshade having a figure or character on the surface of the outer structure, and further Henke disclose a candle as a light source. Although Thevenot does not disclose a candle as a light source, it would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute Thevenot's light source with a candle as Henke taught, since a candle is a type of light source and the selection of a candle as a light source in the lamp shade would be within the level of ordinary skill in the art.

Allowable Subject Matter

8. Claims 14 and 41 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter: With regard to claims 14 and 41, the prior art of record does not disclose the limitation that "the base is formed with a groove extending along the inside of the periphery to receive the outer structure therein". Therefore, claims 14 and 41 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

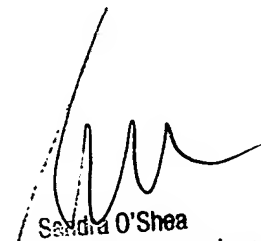
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Guiyoung Lee whose telephone number is 571-272-2374. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LGY



Sandra O'Shea
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Technology Center 2800